

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|--|---|-----------------|
| APPLICATION OF LEXINGTON MSA LIMITED |) | |
| PARTNERSHIP FOR ISSUANCE OF A |) | |
| CERTIFICATE OF PUBLIC CONVENIENCE AND |) | |
| NECESSITY TO CONSTRUCT AN ADDITIONAL |) | |
| CELL SITE IN VERSAILLES, KENTUCKY FOR |) | CASE NO. 92-230 |
| THE PROVISION OF DOMESTIC PUBLIC |) | |
| CELLULAR RADIO TELECOMMUNICATIONS |) | |
| SERVICE TO THE PUBLIC IN THE LEXINGTON |) | |
| MSA |) | |

O R D E R

On June 1, 1992, Lexington MSA Limited Partnership ("Lexington MSA Partnership") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate an additional cellular radio telecommunications antenna tower in the Lexington Metropolitan Statistical Area ("Lexington MSA"). The Lexington MSA includes Bourbon, Clark, Fayette, Jessamine, Scott, and Woodford counties in Kentucky. Lexington MSA Partnership has requested authorization to construct a cell site in Woodford County, Kentucky. Lexington MSA Partnership was previously granted authority to operate a cellular radio telecommunications system in the Lexington MSA in Case No. 9679.¹

¹ Case No. 9679, The Application of Lexington MSA Limited Partnership for the Issuance of a Certificate of Public Convenience and Necessity to Provide a New Domestic Public Cellular Radio Telecommunications Service to the Public in the Greater Lexington Metropolitan Area Including All, or Parts of, Bourbon, Clark, Fayette, Jessamine, Scott and Woodford Counties in Kentucky and Tariff Approval.

The proposed cell site consists of a self-supporting antenna tower, with attached antennas, not to exceed 300 feet in height to be located .1 mile south of the intersection between Bluegrass Parkway and Huntertown Road in Versailles, Woodford County, Kentucky. The cell site's coordinates are North Latitude 38° 01' 48" by West Longitude 84° 42' 09.6".

Lexington MSA Partnership has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed cell site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. (BOCA) National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. However, Lexington MSA Partnership has notified the Woodford County/Versailles Planning Commission of the proposed construction by letter dated June 2, 1992. Lexington MSA Partnership has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed cell site. The FAA application has been approved while the KAZC application is pending. No application to the Federal Communications Commission is required for the proposed cell site.

Lexington MSA Partnership has stated that the Commonwealth of Kentucky Transportation Cabinet, owner of the Bluegrass Parkway and

the only property owner and/or resident within 500 feet of the proposed cell site, has been notified of the proposed cell site's construction. To date, no comments have been received by the Commission regarding the proposed construction.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Lexington MSA Partnership should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the Lexington MSA under its previously approved tariff.

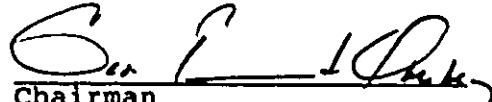
IT IS THEREFORE ORDERED that:

1. Lexington MSA Partnership be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower not to exceed 300 feet in height in the Lexington MSA to be located .1 mile south of the intersection between Bluegrass Parkway and Huntertown Road in Versailles, Woodford County, Kentucky. The cell site's coordinates are North Latitude 38° 01' 48" by West Longitude 84° 42' 09.6".


2. Lexington MSA Partnership shall file a copy of the final decision regarding its pending KAZC application for this cell site construction, within 10 days of receiving this decision.

Done at Frankfort, Kentucky, this 31st day of July, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director